

PROB 12C  
(7/93)

United States District Court

for

RECEIVED  
WILLIAM T. WALSH, CLERK.

District of New Jersey 2006 JUN 26 A 10:13  
**Second Superseding Petition for Summons for Offender Under Supervision**

Name of Offender: Mayra Carrero-Rivera Cr.: 00-00783-001

UNITED STATES  
DISTRICT COURT

Name of Sentencing Judicial Officer: THE HONORABLE JOHN C. LIFLAND

Date of Original Sentence: 03-13-01

Original Offense: Conspiracy to Distribute Crack Cocaine

Original Sentence: 46 months imprisonment; 4 years supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: 05/29/03

Assistant U.S. Attorney: Scott Resnick Defense Attorney: Joseph Rotella, Esq.

**PETITIONING THE COURT**

To file second superseding petition for violation, replacing Probation Form 12C filed on June 11, 2006.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number    Nature of Noncompliance

1       The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**' On May 15, 2006, members of the U.S. Marshals Service proceeded to 259 Verona Avenue, Apartment 3, Newark, in an attempt to take the offender into custody on a violation of supervised release warrant. After forcing entry to the apartment, the Marshals found the dwelling empty. In interviewing individuals in the immediate area, agents were told that Carrero had another apartment across the street at 833 Ridge Street, Apartment 5, Newark. They went to this address and found Carrero inside the apartment with her minor son. After the offender gave verbal consent for agents to search the apartment, an open black box was observed in plain view on top of a large, uncovered garbage can in the kitchen. Clearly observable in the box was what appeared to be drug paraphernalia. Further inspection revealed that the box contained 45 vials of crack cocaine (clear vials with pink caps), approximately 12 grams of marijuana, a weighing scale, 17 boxes of clear vials, 26 bags of vial caps in assorted colors (including pink), one bag of clear plastic bags, and seven rounds of .380 caliber ammunition. Agents also seized a PSE&G monthly utilities statement and a Sprint cellular phone service statement, both of which were addressed to the offender at the Ridge Street address and dated May 2006. The offender was charged with counts of possession with intent to distribute cocaine and marijuana, possession of cocaine and marijuana, and possession of drug paraphernalia, all of which are pending adjudication in the Superior Court of New Jersey in Essex County.

2       The offender has violated the supervision condition which states '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**'

On March 22, 2006, the offender tested positive for marijuana use. Laboratory tests not only confirmed the positive results, but also revealed the urine sample was diluted.

On April 18, 2006, the offender tested positive for marijuana, and laboratory analysis later indicated that the urine sample submitted by Carrero was diluted. On May 2, 2006, the offender tested positive for marijuana. On May 10, 2006, a laboratory analysis confirmed the positive test results.

When questioned by the probation officer concerning her continued drug use, the offender consistently maintained she is not using, and has not recently used, marijuana and will not participate in treatment for substance abuse.

3       The offender has violated the supervision condition which states '**You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**'

The offender has tested positive for using marijuana on more than one occasion. When questioned by the probation officer concerning this confirmed drug use, she consistently denies using marijuana.

4

The offender has violated the supervision condition which states '**The defendant shall not associate with any persons engaged in criminal activities, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.**'

The offender was arrested by U.S. Marshall's on May 15, 2006. During a search consequent to this event, letters were found written and received by the offender, noting an ongoing association with convicted felons; Julio Ortiz, NJSBI# 336781C and Ty Granum, Prison #527142. Both felons are currently in the custody of the Commissioner of the New Jersey State Department of Corrections.

5

The offender has violated the supervision condition which states '**The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.**'

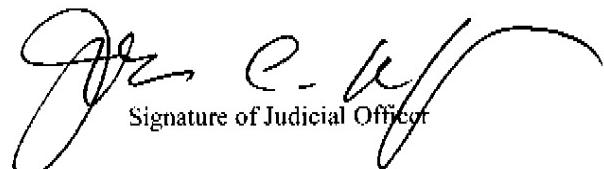
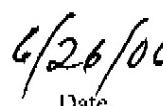
The offender was arrested by U.S. Marshall's on May 15, 2006, at 833 Ridge Street, Newark, NJ, Apt #5. During a search consequent to this event, police discovered a lease signed by the offender noting tenancy at this apartment from as early as April 1, 2006. The offender never reported this change of address to the probation office.

I declare under penalty of perjury that the foregoing is true and correct.

Donald L. Martenz, Jr.  
Senior U.S. Probation Officer  
Date: June 26, 2006

THE COURT ORDERS:

- Filing of a Second Superseding petition for Violation of Supervised Release, replacing the Probation Form 12C filed on June 11, 2006. Date of Hearing: June 28, 2006 (a.m.)  
 No Action  
 Other

  
Signature of Judicial Officer  
  
Date